

[PROVISIONAL TRANSLATION FROM PERSIAN]

[Translator's notes appear in square brackets]

[Personal information has been **redacted**.]

[Emblem]

The Judiciary of the Islamic Republic of Iran

Case Reference: 2/66/429

Court Order Number: 176 – 29 Ordibehesht 1370 [19 May 1991]

Date of Review: 25 Ordibehesht 1370 [15 May 1991]

Administrative Court: Branch 8 Sari

Appellants: Mr. Ziaollah Sabetian and others - Sari

Respondents: Khosrow Forouzandeh, 2- Nad-Ali Fallahpour, 3- Abedin Malaie, 4- Ali Nourian, 5- Akbar Majidi, 6- Hosein-Ali Rajabi, 7- Aghagoli Malaie, 8-Seyyed Mahmoud Derakhshan, residents of Ivel

Grievance: Expulsion and so on

Procedural Synopsis: The Appellants filed a judicial request for the above grievance against the respondents. Subsequent to the routine judicial procedures, the hearing was convened on ---- at Court ---- Sari, presided over by the undersigned. After careful review of the file, the hearing concluded and the following decision was rendered:

In this case, the Appellants (Ziaollah Sabetian, Famarz Moghadasi Rowhani, Abdolbaghi Rowhani, Houshmand Movaffagh, Nourollah Sabetian, Masihollah Sabetian, Enayat Movaffaghi, Heshmatollah Binaie, Avaz-Ali Akbari, Zekrollah Rowhani, Hosein-Ali Rowhani, Daryoush Movaffaghi, Seyyed Mehdi Sadeghi and others, all residents of Ivel Village, filed a complaint against the accused, namely: 1- Khosrow Forouzandeh, son of Kheirollah, 2- Nad-Ali Fallahpour, son of Mohammad, 3- Abedin Malaie, son of Ali, 4- Ali Nourian, son of Abdollah, 5- Akbar Majidi, son of Ramezan, 6- Hosienali Rajabi, son of Kheirollah, 7- Aghagoli Malaie, son of Babajan, 8-Seyyed Mahmoud Derakhshan, son of Seyyed Esmail, who are all residents of Ivel Village, regarding a plot to expel them from the Village of Ivel and to participate in the looting and plundering of their properties and livestock, as well as deliberate destruction [of properties] and harassment.

According to the content of the file, the above-mentioned accused, who are all Muslims from that village, on the occasion of the martyrdom of the 72 Friends of His Holiness Imam (may God grant Him Paradise) on Hafe-Tir¹, had gathered together, marching with the residents of that village and

¹ [Hafe-Tir Bombing: Suicide bombing which took place on 7 Tir 1360 [28 June 1981] in the headquarters of the Islamic Republican Party (IRP) in Tehran]

neighbouring villages. While together, they protested the presence of the perverse Baha'i sect in that village, and as a result of that protest against local Baha'is (the Appellants), some of them left the place, and some remained and converted to the sacred religion of Islam.

When a number of Baha'is (the Appellants) left the village, their belongings, livestock and farmlands remained in that area. In collaboration with the officials of the Office of the Deputy Governor and the Jihad of Construction of Chahardangeh, attempts were made to collect their crops and livestock that were left behind. Subsequently, a long time after the Appellants had left the village, judicial officers ordered the Kiasar Gendarmerie to arrange for settlement of the appellants in that village. When they were gathered for settlement, the Muslims of the village (the accused) prevented their settlement. According to the detailed report of the Kiasar Gendarmerie, the accused prevented the Baha'is from living there, and because of the following actions by the judicial and disciplinary authorities, their settlement there has not yet taken place. This is according to the reports of the political local, regional or provincial officials of Mazandaran and judicial authorities, who were contacted by the expelled Baha'is seeking a resolution to the problems between the Muslims and Baha'is of that village, and the explanations of the appellants regarding the manner in which they were expelled from Ivel Village, plus the response to their inquiry from the Mazandaran Office of Endowments, regarding the occupied lands of the Baha'is in Ivel Village, and an announcement that the confiscated lands were handed over to the Endowment and Charity Affairs Organization and that office and that committee gave them to farmers of that village.

According to the investigations by the Court and the circumstances of their initial complaints, which happened by provocation and pressures made by the Muslims of that village, they were forced to leave their homes. And considering other circumstances and evidence existing in the Court's file regarding the offence attributed to the Accused, of participating in looting and deliberate destruction of the properties and objects belonging to the Appellants, and creating harassment, in the absence of proof of the offence attributed to the Accused, they are found innocent. But as for their expulsion from the village due to the pressure of Muslims, especially from the [illegible] area of Ivel, as mentioned before, according to Articles 22 and 23 of the Constitution of the Islamic Republic of Iran, which state that the dignity, life, property, rights, residence, and occupation of the individual are inviolate, and no one may be molested [or taken to task] simply for holding a certain belief, except in cases sanctioned by law, whereas the actions of the accused were contrary to the norm to disturb people and caused their [illegible] general unrest in their location and resulted in their leaving the village, as permitted by the Constitution of the Islamic Republic and following Article 22 of the Code of Formation of Criminal Courts One and Two of the Supreme Court, since the Appellants believe the Accused were carrying knives, disturbing the public peace and security, according to Article 2 of Penal Code, and according to Section One of Addendum 17 of the first Article of the Act of the first Economic, Social and Cultural Development Plan of the Islamic Republic of Iran, the Court sentences each of the Accused to pay a 71,000 rials fine to the benefit of the State Treasury.

Also, according to the explicit [illegible] of twenty-two of the Constitution of the Islamic Republic regarding respecting the rights of housing for all citizens of Iran, unless the law prescribes otherwise ... and since there was no legal prohibition against the Appellants [illegible] in Ivel Village, the Court does not deem the actions by the Muslims of Ivel Village which resulted in expulsion of the appellants (Ivel Baha'is) from the said village to be legal. [illegible] therefore, the Order is issued and announced for the Appellants to continue to reside in the aforementioned village. The issued order [illegible] may be appealed in Criminal Court One of Sari.

[Stamp]

Head of the Criminal Court [illegible]

[Handwritten note at top of the page]

[illegible] Fallahpour, Abedin Malaie, Ali Nourian, Akbar Majidi, Hosein-Ali Rajabi, Mr. Malaie, Seyyed Mahmoud Derakhshan

[illegible]

On 18 Khordad 1370 [8 June 1991] [recorded] [illegible] the second copy of the order was delivered to Mr. Faramarz Moghadasi Rowhani and he stated he would inform the other defendants.

Faramarz Moghadasi

[Signature]

On 31 Khordad 1370 [21 June 1991], since the addressee of the Court Order was not present, three copies of the Court Order, in six pages, in the name of Mr. Abedin Malaie and others were given to Mr. Abedin Malaie's son, named Gholam-Reza Malaie, who received and accepted the second page and committed to deliver the warning to the recipient within 24 hours. His signature is at the bottom of the page under the signature and stamp of the official who delivered the order. Moreover, he was instructed to read the Court order to the other defendants.

Signature of the son of the addressee, named Gholam-Reza Malaie

[Signature]

[signature] of the officer [illegible]

On 31 Khordad 1370 [21 June 1991] since the addressee of the Court Order was not present, three copies of the Court Order, in six pages, in the name of Hosein-Ali Rajabi and others were given to his son, named Mohammad Hasan Rajabi, who received and accepted the second page and committed to deliver the warning to the recipient within 24 hours. His signature is at the bottom of the page under the signature and seal of the official who delivered the order. Moreover, he was instructed to announce the Court order to the other appellants.

Signature of the son of the addressee, named Mohammad Hasan Rajabi

[Signature]

Officer [announcement] [illegible]